

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO RODRIGUEZ, JR. (4),
aka "El Pinche Shrekk"
aka "Shrek",

Defendant.

Case No. 15cr0356-BAS

PRELIMINARY ORDER OF
CRIMINAL FORFEITURE

WHEREAS, in the Indictment in the above-captioned case, the United States sought forfeiture of all right, title and interest in specific properties of the above-named Defendant, FRANCISCO RODRIGUEZ, JR. ("Defendant"), pursuant to 18 U.S.C. §924(d) and 28 U.S.C. §2461(c) as properties involved in the commission of 18 U.S.C. §371 as charged in the Indictment; and

WHEREAS, on or about November 19, 2015, Defendant pled guilty before Magistrate Judge Jill L. Burkhardt to the Indictment, which plea included consent to the forfeiture allegations of the Indictment, including but not limited to, forfeiture of the following:

- (a) **one MH2B .50 caliber belt fed rifle (serial number 0000075);**
- (b) **one .50 caliber belt fed rifle (serial number 000503);**
- (c) **1,314 rounds of .50 caliber ammunition;**

- (d) **217 .50 caliber casings;**
- (e) **6 M-9 .50 caliber links;**
- (f) **one M63 Anti-Aircraft Mount with Spare Cradle;**
- (g) **one Reloading Press;**
- (h) **one Cleaining Kit;**
- (i) **one Link Press;**
- (j) **one .50 caliber belt fed rifle (serial number obliterated);**
- (k) **one AK-47 rifle (serial number N-PAP013769);**
- (l) **204 .50 caliber rounds;**
- (m) **one .308 caliber round;**
- (n) **one PS 90 Belgium Rifle (serial number 381SNFN045574);**
- (o) **one AK-47 Romania Rifle (serial number S1717862003);**
- (p) **one AK-47 USA rifle (serial number 39NC05268);**
- (q) **two AR-15 USA Rifles (serial numbers LW-135197 and RM08085);**
- (r) **one AR-15 lower receiver (serial number AR02562);**
- (s) **one 9 mm pistol (serial number 321782);**
- (t) **20 .223 caliber rounds;**
- (u) **one 9 mm magazine;**
- (v) **100 57x28 mm rounds;**
- (w) **one magazine with 30 rounds 7.62 millimeter ammunition;**
- (x) **600 rounds 7.62 mm ammunition;**
- (y) **414 7.62 ammunition links;**
- (z) **499 .50 caliber ammunition links;**
- (aa) **360 rounds of .50 links;**
- (bb) **one Marlin Rifle (serial number 25646310);**
- (cc) **one Kimber Semi Auto Handgun, 1911 (serial number KRF3845);**

- 1 **(dd) one semi-auto cold 1911 Handgun .45 cal (serial**
- 2 **number unknown);**
- 3 **(ee) one semi-auto cold 1911 Handgun .45 (serial number**
- 4 **CGR270);**
- 5 **(ff) one AR upper receiver with black barrel (serial**
- 6 **number unknown); and**
- 7 **(gg) one AR upper receiver with silver color barrel (serial**
- 8 **number unknown); and**

7 WHEREAS, on December 8, 2015, this Court accepted the guilty plea of
8 Defendant; and

9 WHEREAS, by virtue of the facts set forth in the plea agreement and forfeiture
10 addendum, the United States has established the requisite nexus between the forfeited
11 properties and the offense; and

12 WHEREAS, by virtue of said guilty plea, the United States is now entitled to
13 possession of the above-referenced properties, pursuant to 18 U.S.C. § 924(d)(1),
14 28 U.S.C. § 2461(c), 21 U.S.C. § 853 and Rule 32.2(b) of the Federal Rules of
15 Criminal Procedure; and

16 WHEREAS, pursuant to Rule 32.2(b), the United States having requested the
17 authority to take custody of the above-referenced properties which were found
18 forfeitable by the Court;

19 Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

20 1. Based upon the guilty plea of the Defendant, the United States is hereby
21 authorized to take custody and control of the following assets, and all right, title and
22 interest of Defendant FRANCISCO RODRIGUEZ, JR. in the following properties
23 are hereby forfeited to the United States for disposition in accordance with the law,
24 subject to the provisions of 21 U.S.C. § 853(n):

- 25 **(a) one MH2B .50 caliber belt fed rifle**
26 **(serial number 0000075);**
- 27 **(b) one .50 caliber belt fed rifle (serial number 000503);**
- 28 **(c) 1,314 rounds of .50 caliber ammunition;**

- (d) **217 .50 caliber casings;**
- (e) **6 M-9 .50 caliber links;**
- (f) **one M63 Anti-Aircraft Mount with Spare Cradle;**
- (g) **one Reloading Press;**
- (h) **one Cleaining Kit;**
- (i) **one Link Press;**
- (j) **one .50 caliber belt fed rifle (serial number obliterated);**
- (k) **one AK-47 rifle (serial number N-PAP013769);**
- (l) **204 .50 caliber rounds;**
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- (n) **one PS 90 Belgium Rifle (serial number 381SNFN045574);**
- (o) **one AK-47 Romania Rifle (serial number S1717862003);**
- (p) **one AK-47 USA rifle (serial number 39NC05268);**
- (q) **two AR-15 USA Rifles (serial numbers LW-135197 and RM08085);**
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- (s) **one 9 mm pistol (serial number 321782);**
- (t) **20 .223 caliber rounds;**
- (u) **one 9 mm magazine;**
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- (x) **600 rounds 7.62 mm ammunition;**
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- 1 **(dd) one semi-auto cold 1911 Handgun .45 cal (serial**
- 2 **number unknown);**
- 3 **(ee) one semi-auto cold 1911 Handgun .45 (serial number**
- 4 **CGR270);**
- 5 **(ff) one AR upper receiver with black barrel (serial**
- 6 **number unknown); and**
- 7 **(gg) one AR upper receiver with silver color barrel (serial**
- 8 **number unknown).**

9 2. The aforementioned forfeited assets are to be held by U.S. Immigration
10 and Customs Enforcement ("ICE") in its secure custody and control.

11 3. Pursuant to Rule 32.2(b) and (c), the United States is hereby authorized
12 to begin proceedings consistent with any statutory requirements pertaining to
13 ancillary hearings and rights of third parties.

14 4. Pursuant to the Attorney General's authority under Section 853(n)(1) of
15 Title 21, United States Code, Rule 32.2(b)(6), Fed. R. Crim. P., and Rule G(4) of the
16 Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions,
17 the United States forthwith shall publish for thirty (30) consecutive days on the
18 Government's forfeiture website, www.forfeiture.gov, notice of this Order, notice of
19 the United States' intent to dispose of the properties in such manner as the Attorney
20 General may direct, and notice that any person, other than the Defendant, having or
21 claiming a legal interest in the above-listed forfeited properties must file a petition
22 with the Court within thirty (30) days of the final publication of notice or of receipt of
23 actual notice, whichever is earlier.

24 5. This notice shall state that the petition shall be for a hearing to
25 adjudicate the validity of the petitioner's alleged interest in the property, shall be
26 signed by the petitioner under penalty of perjury, and shall set forth the nature and
27 extent of the petitioner's right, title or interest in the forfeited property and any
28 additional facts supporting the petitioner's claim and the relief sought.

29 6. The United States may also, to the extent practicable, provide direct
30 written notice to any person known to have alleged an interest in the properties that

1 are the subject of the Preliminary Order of Criminal Forfeiture, as a substitute for
2 published notice as to those persons so notified.

3 7. Upon adjudication of all third-party interests, this Court will enter an
4 Amended Order of Forfeiture pursuant to 21 U.S.C. § 853(n) as to the
5 aforementioned assets, in which all interests will be addressed.

6 8. Pursuant to Rule 32.2(b)(4), this Order of Forfeiture shall be made final
7 as to the Defendant at the time of sentencing and is part of the sentence and included
8 in the judgment.

9 **IT IS SO ORDERED.**

10 **DATED: February 2, 2016**


Hon. Cynthia Bashant
United States District Judge

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